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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/494,954 02/01/00 MCCURDY

R TRW (TE) 4170

EXAMINER

LUM, L

ART UNIT	PAPER NUMBER
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3611

DATE MAILED:

01/11/01

PM92/0111
Tarolli Sundheim Covell Tummino & Szabo
1111 Leader Building
526 Superior Avenue
Cleveland OH 44114-1400

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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Office Action Summary

Application No.

09/494,954

Applicant(s)

McCurdy, Roger

Examiner

Lum, Lee S.

Group Art Unit

3611

☒ Responsive to communication(s) filed on Feb 1, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-22 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-22 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 10 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the last paragraph of each Claim, the recitation "whereby the acoustic safing/signal provides..." is unclear because the accelerometers are sensors of themselves, and do not require the acoustic sensor.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-10, 12-15, 17-19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Breed 5684701.

Breed discloses a system (Fig. 1) for protecting a vehicle occupant comprising:
accelerometers 122,
acoustic sensors 311-314 (inherently "omni-directional" because acoustic waves can be detected at virtually any angle),
the sensors being part of a sensor module 120,
occupant protection devices 110/111, and,
a controller 130 controlling actuation of the devices.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 11, 16, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed in view of Thompson et al 6020812.

Breed does not show crush sensors located at various parts of the vehicle, while Thompson discloses crush sensors 50. It would have been obvious to one with ordinary skill in the art at the time at which the Breed invention was made to include Thompson's crush sensors in order to increase efficiency of the airbag system towards determination of proper actuation of the protection device.

4. Examiner notes that the following patents disclose all recited elements: Blackburn et al 6018693, 5904368, Mazur et al 5906393, Wallace et al 5964815, Musiol et al 5900677.


5. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure: Foo et al 6036225, Kraft 6099030, Corrado et al 6026340, 5890085, Breed et al 6009970, 5848802, 5653462, Varga et al 5943295.

6. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at telephone number (703) 305-0232. The examiner can normally be reached between 9-530 pm, Monday-Friday. If she can't be reached, her supervisor, Ms. Judy Swann, can be reached on (703) 306-4115.

Our fax number is (703) 308-2571. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer assistance at (703) 306-5771.

Ms. Lee S. Lum, Examiner
1/3/01


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600